

Atty. Dkt. No. 080542-0157

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Isao MOCHIDA et al.

Title: Heat-Treated Active Carbons for Use in  
Denitration, Processes for Producing Same,  
Denitration Method Using Same, and  
Denitration System Using Same

Appl. No.: 10/081,208

Filing Date: 2/25/2002

Patent No.: 7,465,429

Grant Date: 12/16/2008

Examiner: Stuart L. HENDRICKSON

Art Unit: 1793

Confirmation Number: 4498

**SUPPLEMENTAL REQUEST FOR RECONSIDERATION OF DECISION ON  
REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Supplemental to the Request for Reconsideration of the PTO's Determination of PTA upon the grant of the above-identified patent, filed by the Applicants on January 5, 2009, Applicants note that the Federal Circuit has issued a decision in *Wyeth v. Kappos*, **affirming** the district court decision.

In particular, in *Wyeth v. Kappos*, No. 2009-1120 (Jan. 7, 2010), the Federal Circuit determined that "[b]efore the three-year mark, no 'overlap' can transpire between the A delay

and the B delay," and that "[i]f an A delay occurs on one day and a B delay occurs on a different day, those two days do *not* 'overlap' under section 154 (b)(2)" (emphasis added).

Applicants have recalculated PTA for the captioned patent under the court's interpretation of the PTA statute, and have determined that the patent is entitled to 1141 days PTA, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702(a) and (b), and under 37 CFR §§1.703(a) and (b).

The attached sheet details the circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704.

(a) Total of non-overlapping PTO delay under §154(b)(1)(A) & (B):	1327 days
(b) Total Applicant delay:	186 days
Final PTA Determination:	1141 days

Applicants therefore respectfully request that the patent be accorded 1141 days PTA.

The patent is not subject to a terminal disclaimer.

No additional fees are believed to be required. However, if any additional fees are required, the Commissioner is authorized to make appropriate charges to Deposit Account No. 19-0741 to provide exact payment.


Respectfully submitted,

JAN 15 2010

Date \_\_\_\_\_

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By \_\_\_\_\_

  
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## Patent Term Adjustment Calculation System

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Docket Number: 080542-0157  
 Application Number: 10/081208  
 Patent Number: N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Application Filing Date	02/25/2002	0		
	14 month From Application date	04/25/2003	424		
Edit Delete	Restriction Requirement	09/24/2004	942	518	
Edit Delete	Restriction Requirement Response Received at PTO	10/22/2004	970		
Edit Delete	Non-Final Office Action	01/11/2005	1,051		
	3 Year Period Starts	02/25/2005	1,096		
	Non-Final Office Action + 3 months	04/11/2005	1,141		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	05/06/2005	1,166		25
Edit Delete	Final Office Action	08/11/2005	1,263		
	Final Office Action + 3 months	11/11/2005	1,355		
Edit Delete	Request For Continued Examination (including amendment)	12/12/2005	1,386		31
Edit Delete	Request For Continued Examination (including amendment)	12/12/2005	1,386		
	3 Year Period Stopped	12/12/2005	1,386	290	
Edit Delete	Non-Final Office Action	02/28/2006	1,464		
	Non-Final Office Action + 3 months	05/28/2006	1,553		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	08/24/2006	1,641		88
Edit Delete	Final Office Action	10/24/2006	1,702		
Edit Delete	Final Office Action Response Received at PTO	01/23/2007	1,793		
	Final Office Action + 3 months	01/24/2007	1,794		
Edit Delete	Advisory Action	02/12/2007	1,813		
Edit Delete	Notice of Appeal Received at PTO	02/21/2007	1,822		28
Edit Delete	Appeal Brief Received at PTO (Non-Compliant)	04/18/2007	1,878		
Edit Delete	Notice of Non-Compliance	06/11/2007	1,932		
Edit Delete	Appeal Brief Received at PTO	06/13/2007	1,934		
Edit Delete	Examiner's Answer Mailed	09/07/2007	2,020		
Edit Delete	Reply Brief Received at PTO	11/07/2007	2,081		

Edit Delete	Appeal Decided by Appeal Board; Some Rejections Reversed	07/23/2008	2,340	519	
Edit Delete	Notice of Allowance	08/15/2008	2,363		
Edit Delete	Post-Allowance Document Received at PTO	09/12/2008	2,391		
Edit Delete	Supplemental Notice of Allowability	09/25/2008	2,404		14
Edit Delete	Issue Fee Paid	11/14/2008	2,454		
Edit Delete	Patent Grant Date	12/16/2008	2,486		
			Totals:	1,327	186
			PTA:	1,141	

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